

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Lee A. Capalbo,

Plaintiff,

v.

Bank of America, NA,

Defendant.

Civil Action No. 1:12-cv-00583-M-LDA

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff Lee A. Capalbo (“Plaintiff”), and Defendant Bank of America, N.A. (“Defendant”) stipulate to the dismissal of the above-captioned action, with prejudice, upon such terms as agreed upon by the parties and as follows:

1. The above-captioned matter in its entirety, to include all claims and counterclaims asserted or which could have been asserted, is hereby dismissed with prejudice, with each party to bear its own costs and fees and all parties waiving all rights of appeal.

2. All the Use and Occupancy payments shall be released to Attorney Mindy Montecalvo, Esquire, Law Offices of George Babcock, for proper disbursement to the Plaintiff pursuant to the terms of the parties’ Settlement Agreement and Release, and any Special Master Fees now due will be disbursed to the Special Master’s Office to satisfy the outstanding Plaintiffs’ Special Master Fee.

3. Each of the undersigned parties warrants and represents as to himself/herself/itself that each has paid all retainer fees billed to that party and waives the return of any retainer fee monies paid to the Special Master as a result of these proceedings. Relative to the retainer fee now due by the Plaintiff, that amount may be withheld from the Use and Occupancy disbursement.

Respectfully submitted,

Plaintiff,

LEE A. CAPALBO

By her Attorney,

/s/ Mindy C. Montecalvo

Mindy C. Montecalvo, Esq.

Law Office of George Babcock

574 Central Avenue

Pawtucket, RI 02861

(401) 734-1904

mindy.montecalvo@babcocklawoffices.com

DATED: March __, 2015

Respectfully submitted,

Defendant,

BANK OF AMERICA, N.A.

By its Attorney,

/s/ Harris K. Weiner

Harris K. Weiner #3779

Salter McGowan Sylvia & Leonard, Inc.

321 South Main Street, Suite 301

Providence, RI 02903

Office: 401-274-0300

Fax: 401-453-0073

hweiner@smsllaw.com

DATED: March __, 2015

CERTIFICATE OF SERVICE

I, Mindy C. Montecalvo, hereby certify that on _____, 2015, a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to Harris K. Weiner, Salter McGowan Sylvia & Leonard, Inc., 321 South Main Street, Suite 301, Providence, RI 02903.

/s/ Mindy C. Montecalvo